

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

W. C. HERAEUS GMBH & Co. (a German
corporation), and HERAEUS
INCORPORATED (a Delaware corporation),

Plaintiffs.

v.

MARJORIE JOY LYNN as Personal
Representative for the ESTATE OF DAVID
MARK LYNN and as Trustee of the MARK
AND MARJORIE LYNN REVOCABLE
TRUST, LYNN PLASMA, INC. (an Idaho
corporation), NXEDGE, INC. (a Delaware
corporation), and NXEDGE INC. OF BOISE
(a Delaware corporation)

Defendants.

C.A. No. 04-904 (KAJ)

**PLAINTIFFS' NOTICE OF VIDEOTAPED
DEPOSITION OF MATTHEW KOWALEWSKI**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Plaintiffs W.C. Heraeus GmbH and Heraeus Incorporated, through undersigned counsel, will take the videotaped deposition of Matthew Kowalewski on December 15, 2005 at 9:00 a.m. at the offices of NxEdge located at 7500 W. Mossy Cup St., Boise, Idaho 83709. The deposition will be taken by stenographic, audio, video, and/or real-time computer means (e.g. Live Note) before an officer authorized to administer oaths. The deposition will be taken for the purpose of discovery, for use at trial in this matter, and for any other purpose permitted under the Federal Rules of Civil Procedure.

ALSO, PLEASE TAKE NOTICE that the deposition will proceed in accordance with the provisions of Rule 30 of the Federal Rules of Civil Procedure, and will continue from day to day,

excluding weekends and holidays, until completed.

MORRIS, NICHOLS, ARSHT & TUNNELL

/s/ Karen Jacobs Louden

Karen Jacobs Louden (#2881)

klouden@mnat.com

Leslie A. Polizoti (#4299)

1201 N. Market Street

P.O. Box 1347

Wilmington, DE 19899-1347

(302) 658-9200

Attorneys for plaintiffs W.C. Heraeus GmbH and
Heraeus Incorporated

OF COUNSEL:

Fay Morisseau

Mark Itri

Dennis Duchene

McDERMOTT WILL & EMERY LLP

18191 Von Karman Ave., Suite 400

Irvine, California 92612

(949) 851-0633

(949) 851-9348

October 21, 2005

489242

CERTIFICATE OF SERVICE

I hereby certify that on October 21, 2005, I caused to be electronically filed the foregoing Notice of Service with the Clerk of the Court using CM/ECF, which will send notification of such filing to Kevin M. Baird.

I further certify that I caused copies to be served upon the following in the manner indicated:

BY HAND

Kevin M. Baird
Connolly Bove Lodge & Hutz LLP
The Nemours Building
1007 N. Orange Street
Wilmington, DE 19801

BY FEDERAL EXPRESS

B. Newal Squyres
Holland & Hart LLP
U.S. Bank Plaza
101 S. Capitol Blvd., Suite 1400
Boise, ID 83702

Lawrence D. Graham
Black Lowe & Graham, PLLC
701 Fifth Avenue, Suite 4800
Seattle, WA 98104

/s/ Karen Jacobs Loudon
Morris, Nichols, Arsht & Tunnell
klouden@mnat.com